

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

DONNA RENEE DALY
Plaintiff,

v.

CARL SKELTON, ET AL.
Defendants.

No. 1:06-0048
Judge Campbell

M E M O R A N D U M

The plaintiff, proceeding pro se, is a resident of Maryville, Tennessee. She brings this action pursuant to 42 U.S.C. § 1983 against Carl Skelton, Sheriff of Wayne County; and Wayne County, Tennessee; seeking damages.

According to the complaint, the plaintiff was arrested on June 18, 2005 and was taken to the Wayne County Jail, where she remained until bond was posted three to five days later.¹ The plaintiff complains about conditions of her confinement while she was at the jail.

The complaint was stamped as received by the Clerk's Office on June 28, 2006. A more liberal reading of the complaint shows that the plaintiff's claims arose while she was confined at the Wayne County Jail from June 18, 2005 through June 23, 2005. Thus, it appears that this action is time-barred by the one year

¹ The plaintiff has submitted two § 1983 complaints that are substantially the same. However, one complaint alleges that the plaintiff remained at the Wayne County Jail for "3 or 4 days" while the other states that the plaintiff was housed there "for four to five days".

statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997).

Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that this action is untimely and, as a result, the plaintiff has failed to state a claim upon which relief can be granted. Pino v. Ryan, 49 F.3d 51, 53-54 (2d Cir.1995); see also Watson v. Wigginton, 16 F.3d 1223, 1994 U.S. App. LEXIS 1329, No.93-6023 (unpublished; 6th Cir. January 24, 1994).

When a plaintiff proceeding in forma pauperis has failed to state a claim, the Court is obliged to dismiss the complaint sua sponte. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Todd Campbell
United States District Judge